



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.02.2022

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.3431 of 2022

Mani,
S/o.Madhava Gounder ... Petitioner/Defacto Complainant

Vs.

1.The District Superintendent of Police,
Office of the District Superintendent of Police,
Tiruvannamalai District.

2.The Inspector of Police,
Santhavasal Police Station,
Santhavasal, Tiruvannamalai District.
(Crime No.Not Known of 2022)

... Respondents/Investing Officers

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent to register the FIR based on the complaint lodged by the petitioner dated 08.01.2022 and to file its final report within the time frame.

For Petitioner : Ms.S.P.Arthi

For Respondents : Mr.V.Meghanathan
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed, to direct the second respondent to register the case on the basis of the petitioner's complaint dated 26.04.2021, to register the FIR based on the complaint lodged by the petitioner dated 08.01.2022 and to file its final report within the time frame.

2. Mr.V.Meghanathan, learned Government Advocate (Criminal side) would submit that on the complaint of the petitioner dated 08.01.2022, a case in Crime No.87 of 2022 has been registered by the second respondent for the offences under Sections 294(b) and 323 of IPC and enquiry has been conducted in CSR.No.24 of 2022 and the same has been closed on 13.12.2022.

3. Heard both sides and perused the materials available on record.



4. This petition is not maintainable, in view of the Order passed by a Hon'ble Division Bench of this Court in G.Prabhakaran v. The Superintendent of Police, Thanjavur, reported in (2018) 2 LW CrI 489. The Hon'ble Supreme Court in its latest judgment rendered by a three Judge Bench in M.Subramaniam v. S.Janaki, reported in (2020) 5 CTC 464, after relying upon Sakiri Vasu Case, has categorically held that the High Court cannot issue any direction for registration of FIR in exercise of its jurisdiction under Section 482 of Cr.P.C. The Hon'ble Supreme Court held that the informant has to necessarily avail of the alternative remedy provided under Section 154 (3) of Cr.P.C., and Section 156 (3) of Cr.P.C. Liberty is given to the petitioner to workout his remedy as per the directions issued by the Hon'ble Division Bench in the order referred supra.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

shk/arb
To

- 1.The District Superintendent of Police,
Office of the District Superintendent of Police,
Tiruvannamalai District.
- 2.The Inspector of Police,
Santhavasal Police Station,
Santhavasal, Tiruvannamalai District.
- 3.The Public Prosecutor,
Madras High Court.

+1 cc to Ms.S.P.Arthi, Advocate Sr.NO. 10430

CrI.O.P.No.3431 of 2022

SR(CO)
A.SK(11/03/2022)